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31 JUL 2007

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In re Application of
BENTLEY, et al.
Application No.: 10/599,657
PCT No.: PCT/EP05/12029
Int. Filing Date: 08 November 2005
Priority Date: 09 November 2004
Attorney Docket No.: 020884-000014
For: THERMALLY REACTIVE INFRARED
ABSORPTION POLYMERS AND THEIR USE
IN A HEAT SENSITIVE LITHOGRAPHIC
PRINTING PLATE

DECISION ON PETITION

UNDER 37 CFR 1.497(d)

This decision is in response to applicant's "Amendment Submitted Under 37 C.F.R. 1.48(a) Correcting The Inventorship In U.S. Application No. 10/599,657" filed 13 June 2007 in the United States Patent and Trademark Office (USPTO). The petition is being treated under 37 CFR 1.497(d). Applicant has provided payment of the \$130.00 petition fee.

BACKGROUND

On 08 November 2005, applicant filed international application PCT/EP05/12029, which claimed priority of an earlier application filed 09 November 2004. A copy of the international application was transmitted to the USPTO by the International Bureau (IB) on 18 May 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 May 2007.

On 06 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement and a preliminary amendment.

On 13 June 2007, applicant filed the present petition to add My T. Nguyen as an inventor to the present application.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicant satisfied all four items listed above and it is proper to grant applicant's request at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **GRANTED**.

This application has an international application filing date of 08 November 2005 and will be given a date of **13 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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